

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

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|--------------------------|---|--|
| UNITED STATES OF AMERICA |) | CRIMINAL NO. 1:05cr61 |
| |) | |
| v. |) | Count 1: 18 U.S.C. § 2119 |
| |) | (Carjacking Resulting in Death) |
| OSSIE K. LARODE |) | |
| |) | Count 2: 18 U.S.C. § 1114 |
| |) | (Murder of an Officer of the United |
| |) | States) |
| |) | |
| |) | Count 3: 18 U.S.C. § 111 |
| |) | (Assault on an Officer of the United |
| |) | States) |
| |) | |
| |) | Count 4: 18 U.S.C. § 1114 |
| |) | (Attempted Murder of an Officer of the |
| |) | United States) |
| |) | |
| |) | Count 5: 18 U.S.C. § 924(c) |
| |) | (Use of Firearm during Crime of |
| |) | Violence) |

APRIL 2005 TERM - At Alexandria

SUPERSEDING INDICTMENT

COUNT 1

(Carjacking Resulting in Serious Bodily Injury)

THE GRAND JURY CHARGES THAT:

On or about January 11, 2005, in Alexandria, Virginia, in the Eastern District of Virginia, OSSIE K. LARODE, with the intent to cause death and serious bodily harm, did take a motor vehicle, namely, a Cadillac bearing Virginia license plate YRX-2999, that had been transported, shipped, and received in interstate commerce, from the person and presence of another, specifically, Byung Kim, by force and violence and by intimidation, resulting in the death of

James Feltis.

(In violation of Title 18, United States Code, Sections 2119 & 2119(3))

Count 2

(Murder of an Officer of the United States)

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 11, 2005, in Arlington County, in the Eastern District of Virginia, OSSIE K. LARODE, with malice aforethought, premeditation, and during commission of a robbery, did unlawfully, willfully and deliberately kill James Feltis, a Pentagon Police Department officer, by striking him with a motor vehicle while Officer Feltis was engaged in and on account of the performance of his official duties.

(In violation of Title 18, United States Code, Sections 1114 & 1111).

Count 3

(Assault on an Officer of the United States)

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 11, 2005, in Arlington County, in the Eastern District of Virginia, OSSIE K. LARODE did unlawfully and knowingly forcibly assault, resist, oppose, impede, intimidate, and interfere with John Kinnard, William Caouette, and David Queen, officers of the Pentagon Police Department, by physically fighting with Officer Kinnard, Officer Caouette, and Officer Queen and by brandishing a deadly and dangerous weapon, that is, a Glock .40 caliber pistol, while Officer Kinnard, Officer Caouette, and Officer Queen were engaged in and on account of the performance of their official duties.

(In violation of Title 18, United States Code, Sections 111(a), 111(b) & 1114).

Count 4

(Attempted Murder of an Officer of the United States)

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 11, 2005, in Arlington County, in the Eastern District of Virginia, OSSIE K. LARODE did, with malice aforethought, unlawfully attempt to kill John Kinnard, William Caouette, and David Queen, officers of the Pentagon Police Department, by shooting at them with a firearm, namely, a Glock .40 caliber pistol, while Officer Kinnard, Officer Caouette, and Officer Queen were engaged in and on account of the performance of their official duties.

(In violation of Title 18, United States Code, Sections 1114 & 1114(3)).

Count 5

(Use of a Firearm during a Crime of Violence)

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 11, 2005, in Arlington County, in the Eastern District of Virginia, OSSIE K. LARODE did unlawfully and knowingly use, brandish, and discharge a firearm, namely, a Glock .40 caliber pistol, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, specifically, assaulting an officer of the United States in violation of Title 18, United States Code, Section 111, as set forth and charged in Count 3, and attempted murder of an officer of the United States in violation of Title 18, United States Code, Section 1114, as set forth and charged in Count 4, and which description of the crimes of violence are re-alleged and incorporated by reference herein.

(In violation of Title 18, United States Code, Sections 924(c)).

NOTICE OF SPECIAL FINDINGS

a. The allegations of Counts One and Two of this Indictment are hereby realleged as if fully set forth herein and incorporated by reference.

b. As to Counts One and Two, the defendant OSSIE K. LARODE:

- (1) was 18 years of age or older at the time of the offense;
- (2) intentionally killed James Feltis (Title 18, United States Code, Section 3591(a)(2)(A));
- (3) intentionally inflicted serious bodily injury that resulted in the death of James Feltis (Title 18, United States Code, Section 3591(a)(2)(B));
- (4) intentionally participated in an act, contemplating that the life of a person would be taken or intending that lethal force would be used in connection with a person, other than a participant in the offense, and James Feltis died as a direct result of such act (Title 18, United States Code, Section 3591(a)(2)(C));
- (5) intentionally and specifically engaged in an act of violence, knowing that the act created a grave risk of death to a person, other than one of the participants in the offense, such that participation in the act constituted a reckless disregard for human life, and James Feltis died as a direct result of such act or acts (Title 18, United States Code, Section 3591(a)(2)(D));
- (6) in the commission of the offense, and in escaping apprehension for the violation of the offense, knowingly created a grave risk of death to 1 or more persons in addition to the victim of the offense (Title 18, United States Code, Section 3592(c)(5));
- (7) committed the offense in an especially heinous, cruel, and depraved manner

in that it involved torture and serious physical abuse to James Feltis (Title 18, United States Code, Section 3592(c)(6)); and,
(8) intentionally attempted to kill more than one person in a single criminal episode (Title 18, United States Code, Section 3592(c)(16)).

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

Paul J. McNulty
United States Attorney

Robert A. Spencer
Assistant United States Attorney
Chief, Criminal Division

Erik R. Barnett
Assistant United States Attorney

Stephen M. Campbell
Assistant United States Attorney